IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.60 OF 2006

WITH

CIVIL REVISION APPLICATION NO.61 OF 2006

Smt.Shobha Kisanrao Vasude & Ors. ...Applicants

Versus

M/s.G.G.Dandekar Machine Works Ltd.

& Ors. ...Respondents

.....

Mr.Deepak A.Patil for Applicants.

Mr.Rajesh S.Datar for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

MAY 3, 2006.

P.C.

1. Heard Counsel for the parties.

2. Rule on Revision Application, to be heard with Civil Revision Application No.54 of 2006. Mr.Datar waives notice for Respondents.

3. The main Revision Application takes exception to the order passed by the lower Court which has been passed in exercise of powers under Section 9A of the Code of Civil Procedure. The question whether Section 9A is available after the amendment of 1999 and 2002 has already been referred to larger Bench. Decision of the larger Bench is still awaited.

4. If that question is to be answered in favour of the Applicants, only thereafter, the issue as to whether the conclusion reached by the Court below on merits to hold that the Court has jurisdiction, can be examined.

5. As the issue of jurisdiction goes to the root of the matter and that is pending consideration before this Court, it is but appropriate that the Trial Court proceedings will have to be deferred, except for the limited purpose of considering prayer for grant of ad-interim relief, if any.

6. With this clarification, Application is disposed of and the ad-interim order passed on 7th April 2006 is continued till the disposal of the Revision Application on the above terms.

A.M.KHANWILKAR, J.